

Minutes

Santee City Council Community Development Commission Santee Public Financing Authority

**Council Chambers
10601 Magnolia Avenue
Santee, California**

September 12, 2007

This Regular Meeting of the Santee City Council, Community Development Commission and the Santee Public Financing Authority was called to order by Vice Mayor/Vice Chairperson/Vice Chair John W. Minto at 7:07 p.m.

Council Members present were: Vice Mayor/Vice Chairperson/Vice Chair John W. Minto and Council/Commission/Authority Members Jack E. Dale, Brian W. Jones and Hal Ryan. Mayor/Chairperson/Chair Randy Voepel entered the meeting at 7:25 p.m.

Staff present were: City Manager/Executive Director/Secretary Keith Till, City/Commission/Authority Attorney Shawn Hagerty, Deputy City Manager/ Director of Development Services Gary Halbert, Director of Finance/Treasurer Tim McDermott, Director of Fire and Life Safety Mike Rottenberg, Director of Human Resources Jodene Dunphy, Director of Community Services John Coates, Assistant to the City Manager Kathy Valverde, Assistant to the Executive Director Pam White, City Engineer Steve Cresswell, City Planner Melanie Kush, Santee Sheriff's Captain Patricia Duke, City Clerk/Commission Secretary Linda Troyan, and Deputy City Clerk/Deputy Commission Secretary Patsy Bell.

(Note: Hereinafter the titles Mayor, Vice Mayor, Council Member, City Manager, City Attorney, City Clerk and Deputy City Clerk shall be used to indicate Mayor/Chairperson/Chair, Vice Mayor/Vice Chairperson/Vice Chair, Council/Commission/Authority Member, City Manager/Executive Director/Secretary, City/Commission/Authority Attorney, City Clerk/Commission Secretary, Deputy City Clerk/ Deputy Commission Secretary.)

INVOCATION: Imam Sharif Battikhi, Islamic Center of San Diego

PLEDGE OF ALLEGIANCE: Larry Wood

ADJOURN IN MEMORY: STAFF SERGEANT SEAN P. FISHER

Vice Mayor Minto presented the Certificate of Adjournment to mother, Maria Fisher.

PROCLAMATION: CONSTITUTION WEEK 9/17/07 – 9/23/07

Council Member Jones read a quote from James Madison regarding the extraordinary level of the character of the men who wrote the Constitution. Vice Mayor Minto noted the proclamation will be mailed to the Daughters of the American Revolution.

PROCLAMATION: SEPTEMBER–NATIONAL PREPAREDNESS MONTH

Vice Mayor Minto presented proclamation to Fire Chief Mike Rottenberg.

PROCLAMATION: RETIREMENT OF SR CODE COMPLIANCE OFFICER DAN SUMMERS

Vice Mayor Minto thanked Dan Summers for his outstanding service of nearly 20 years to the City and the Santee community, and he presented Dan with an engraved City Cross pen, crystal City Seal and the proclamation.

PRESENTATION: WORKSHOP ON COMMUNITY FACILITIES DISTRICTS

City Attorney Hagerty introduced the item. Attorney Warren Diven, Best Best & Krieger LLP, presented the report utilizing PowerPoint. Attorney Diven, Vice President Dan Cox of KNN Public Finance, and Director Katie Koster of UBS Securities answered Council's questions.

Mayor Voepel called for a short recess at 9:55 p.m. Council Members reconvened in open session at 10:05 p.m. with all Members present.

ITEMS TO BE ADDED, DELETED OR RE-ORDERED ON AGENDA:

Mayor Voepel requested Item 5(B) be reordered to follow Consent.

1. CONSENT CALENDAR:

- (A) Approval of Reading by Title Only and Waiver of Reading in Full of Ordinances on Agenda.
- (B) Approval of Meeting Minutes:
 - Santee City Council 08-08-07 & 08-22-07 Regular Meetings
 - Community Development Commission 08-08-07 & 08-22-07 Regular Mtgs
 - Santee Public Financing Authority 08-08-07 & 08-22-07 Regular Meeting
 - Santee City Council 08-30-07 Special Meeting
- (C) Approval of Payment of Demands as Presented.
- (D) Second Reading and Adoption of an Ordinance of the Santee City Council Amending Section 17.06.050 of the Santee Municipal Code to Provide Reasonable Accommodation for Persons with Disabilities. (ORD 468)

- (E) Second Reading and Adoption of an Ordinance of the Santee City Council Amending Various Sections of the Santee Municipal Code to Regulate Zoning of Group Care Facilities, Transitional Housing, Boarding Houses, and Congregate Care Facilities. (ORD 469)
- (F) Second Reading and Adoption of an Ordinance of the Santee City Council Amending Chapter 17.26 of the Santee Municipal Code Regarding Density Bonuses for Affordable Housing and Senior Housing. (ORD 470)
- (G) Approval of State Homeland Security Grant Funds for Training.
- (H) Approval to Purchase "Autopulse" Cardiac Support Systems from Zoll Medical Corporation in an Amount not to Exceed \$32,939.18.
- (I) Rejection of Two Claims Against the City by Mary V. Cobas and Mr. and Mrs. Douglas Gardiner.
- (J) Approval of the Expenditure of \$156,463.59 to Pay for August 2007 Legal Services and Related Costs.
- (K) Adoption of Resolution Authorizing the City Manager to Execute the Real Property Contract and Temporary Construction Easement with the County of San Diego for Repairs to Lakeside Sewer Interceptor. (Reso 68-2007)
- (L) Authorization to Award the Construction Contract for Enhanced Street Maintenance to Hardy & Harper, Inc. for a Total of \$409,500.00 with Authorization for the City Manager to Approve Change Orders up to 10% of the Contract, and Authorization for the City Manager to Execute a Professional Services Agreement, Not to Exceed \$20,000, with Tetra-Tech, Inc. to Provide Inspection and Testing of the Enhanced Street Maintenance.
- (M) Approval of a Three Year Agreement with Stericycle, Inc. for Biomedical Waste Pickup and Disposal in an Amount Not to Exceed \$16,000.
- (N) Adoption of Resolution Accepting the Improvements as Complete for Town Center Community Park Mass Grading, CIP 2004-31. (Reso 69-2007)

ACTION: On motion of Vice Mayor Minto, seconded by Council Member Jones, the Agenda and Consent Calendar were approved as amended with all voting aye.

Reordered to Follow Consent Calendar

5. CONTINUED BUSINESS:

(B) Resolution Adopting a Statement of Goals and Policies Regarding the Establishment of Community Facilities Districts. (Reso 75-2007)

City Manager Till introduced the item and Finance Director McDermott presented the staff report.

Public Speakers:

In Support – Matt Adams, BIA; Rob McNelis, East County Association of Realtors; and Nick Arthur, Barratt American, Inc.

In Opposition – James Towle

During discussion City Attorney Hagerty verified for Council that the Statement of Goals and Policies Regarding the Establishment of Community Facilities Districts, if adopted today, could be amended at a future date. During further discussion, Council directed staff to provide information on the following areas that they may wish to have amended:

- ◆ Provide a detailed listing of all assessments for each property
- ◆ Require developers to notify the City up-front if they are planning to utilize assessment districts
- ◆ Remove the option to drop to a 3:1 value-to-debt ratio
- ◆ Do not allow a “transfer fee” to be attached to the current and future sales of properties

ACTION: On motion of Council Member Dale, seconded by Vice Mayor Minto, the Resolution adopting the Statement of Goals and Policies Regarding the Establishment of Community Facilities Districts was adopted with all voting aye.

2. PUBLIC HEARINGS:

(A) Public Hearing for a Major Revision to Conditional Use Permit P01-03 to Construct an 18,522 Square Foot Building for Use as a Motor Vehicle Sales Showroom and Automotive Repair Facility at 8871 Fanita Drive in the General Commercial Zone. (Applicant: Ynez Two, LLC) (Reso 70-2007)

The Public Hearing was opened at 10:31 p.m. Deputy City Manager/Director of Development Services Halbert introduced Senior Planner Mark Brunette who presented the staff report utilizing PowerPoint. Senior Planner Brunette, Deputy City Manager/Director of Development Services Halbert and City Engineer Cresswell answered Council’s questions. Council Member Ryan stated he would like to see larger trees that provide more shade as a requirement for this project, as well as all future projects. He requested staff reevaluate the size and type of trees required in the Zoning Ordinance.

Public Speakers: Greg Kaminsky, Toyota Certified Service Center, spoke in support and answered Council's questions.

MOTION: It was moved by Vice Mayor Minto, and seconded by Council Member Jones, to close the Public Hearing, approve the Negative Declaration as complete and in compliance with the provisions of CEQA, and adopt the Resolution approving Major Revision No. 1 to Conditional Use Permit P01-03.

During discussion, Mayor Voepel noted that he liked the idea of palm trees being included as shown in the preliminary drawing.

FAILED AMENDMENT: After further discussion regarding the size and types of trees, Vice Mayor Minto amended his motion to include Council Member Ryan's request to have larger 48" box exterior and 24" box interior shade trees. Council Member Jones stated that he liked the idea of larger shade trees for the exterior, but palm trees would work well for the interior trees and thought the interior tree selection should be at the discretion of staff and the applicant. The amendment failed.

During further discussion and by Council consensus it was agreed to require additional trees and larger trees for the project.

ACTION: After further discussion the motion to close the Public Hearing, approve the Negative Declaration as complete and in compliance with the provisions of CEQA, and adopt the Resolution as amended to include 48" box trees for the exterior and larger interior trees to be determined at staff's and the applicant's discretion was adopted with all voting aye.

- (B) Public Hearing for a City Initiated General Plan Amendment (GPA07-02) Town Center Specific Plan Amendment (TCSPA07-02), Zone Code Amendment (ZA07-05) and Zone Reclassification (R07-01) to Change the Land Use Designation of Various Sites within the Mission Creek Project Area Located West of Cuyamaca Street and North of the San Diego River. (Resos: GPA - 71-2007, TCSPA - 72-2007)**

The Public Hearing opened at 11:03 p.m. Deputy City Manager/Director of Development Services Halbert introduced the item and was available for Council questions.

Public Speakers:

Submitting a speaker slip but not available to speak was resident Tammy Shordan.

ACTION: On motion of Council Member Jones, seconded by Vice Mayor Minto, the Public Hearing was closed at 11:04 p.m.; the two Resolutions approving General Plan Amendment GPA07-02 and Town Center Specific Plan Amendment TCSPA07-02 were adopted; and the First Reading for the Ordinance Amending Table 17.10.040-A of Chapter 17.10 of the Santee Municipal Code and the Zone District Map was conducted with all voting aye.

(C) Public Hearing for a Conditional Use Permit (P07-02) to Establish a Permanent Biological Habit Preserve Located Along the South Side of the San Diego River Within the Mast Park Area East of Carlton Hills Boulevard in the P/OS Zones. (Applicant: Helix Environmental Planning, Inc.) (Reso 73-2007)

The Public Hearing opened at 11:05 p.m. Deputy City Manager/Director of Development Services Halbert introduced Principal Planner Kevin Mallory who presented the staff report utilizing PowerPoint and answered Council's questions.

Public Speakers: Available to answer questions were Thomas C. Farrar, Standard Pacific Homes; Randy Lang, Applicant with Helix; and Tom Huffman, Agent for Applicants.

ACTION: On motion of Council Member Jones, seconded by Vice Mayor Minto, the Public Hearing was closed at 11:08 p.m.; the Final Mitigated Negative Declaration was found to be complete and in compliance with the provisions of the California Environmental Quality Act, and the Resolution approving Conditional Use Permit P07-02 was adopted with all voting aye.

(D) Public Hearing to Introduce an Ordinance Amending Chapter 12.24 of the Santee Municipal Code Relating to Tree Regulations to Include the Designation of "Protected Trees" on Public and Private Property.

The Public Hearing opened at 11:08 p.m. Deputy City Manager/Director of Development Services Halbert presented the staff report. Council Member Ryan expressed concern with the ordinance at having the potential to restrict a private resident's rights regarding trees located on his own property. After further discussion, staff was directed to redraft the Ordinance to relate specifically to the trees located on the Edgemoor property.

Public Speakers: None

- (E) **Public Hearing on an Appeal of the Decision of the Director of the Department of Development Services Approving Major Revision No. 1 to Development Review Permit DR05-26 for the Pharmacy Building (Walgreens) at 9305 Mission Gorge Road in the General Commercial Zone. (Applicant: Interra Vision, LLC; Appellants: Boardwalk Development, Inc., and Bryant Cosby) (Reso 74-2007)**

The Public Hearing opened at 11:14 p.m. Deputy City Manager/Director of Development Services Halbert introduced the item and Senior Planner Brunette presented the staff report utilizing PowerPoint and answered Council's questions.

Entered Into the Record: Drawings and renderings from Ronald Bamberger, Boardwalk Development

Public Speakers:

In Opposition – Ronald Bamberger, Boardwalk Development; Phil Ladman, Boardwalk Development; Bryant Cosby, Appellant; and Justin Watsch.

In Support – Jason Blum, Interra Vision, and submitting a speaker slip but not available to speak was Susana Machuc-Galleguillos.

ACTION: After discussion, on motion of Council Member Jones, seconded by Vice Mayor Minto, the Public Hearing was closed at 12:01 a.m. and the Resolution affirming the Decision of the Director of the Department of Development Services to Approve Major Revision No. 1 to Development Review Permit DR05-26 dated July 18, 2007 was adopted with all voting aye.

3. ORDINANCES (First Reading):

- (A) **An Ordinance of the City of Santee Requiring the Registration of Abandoned Residential Properties.**

City Manager Till presented the staff report and answered Council's questions. Council Member Jones stated that he liked the concept, but did not support charging a fee to register the property. Council Member Ryan expressed concern with differentiating between a lived-in but run down house versus one that is obviously abandoned.

Public Speakers: Rob McNelis noted his agreement with the concept but questioned how it would be enforced.

ACTION: On motion of Council Member Ryan, seconded by Council Member Jones, staff was directed to reevaluate the process and bring the item back at the next meeting.

Also see Items 2B and 2D

4. CITY COUNCIL REPORTS:

(A) Mast Park. (Dale)

Council Member Dale reported that Mast Park, although the back portion is maintained in a more open and natural state, appears to have become excessively overgrown. By Council consensus, staff was directed to investigate, and clean and clear the overgrowth.

5. CONTINUED BUSINESS:

(A) Parks and Recreation Master Plan Update. (Cont. from 7/11/07 and 7/25/07)

By Council consensus, the Item was continued to a future meeting without being heard.

(B) Item Reordered to Follow Consent Calendar.

6. NEW BUSINESS:

(A) Resolution Authorizing the City Manager to Sell 9.55 Acre/Credits of Coastal Sage Scrub Allocated to the City in the Goodan Ranch Preserve. (Reso 76-2007)

Council Member Jones requested that the proceeds from the sale of this property be allocated by Council to a specific project; not just absorbed into the General Fund.

ACTION: It was moved by Vice Mayor Minto and seconded by Council Member Dale to adopt the Resolution authorizing the City Manager to sell the property and direct staff to place the funds into a special account for City Council allocation at a future date. The motion carried with all voting aye.

7. **COMMUNICATION FROM THE PUBLIC:** None

8. **CITY MANAGER REPORTS:** None

9. **COMMUNITY DEVELOPMENT COMMISSION:**
(Note: Minutes appear as Item 1B)

10. **SANTEE PUBLIC FINANCING AUTHORITY:**
(Note: Minutes appear as Item 1B)

11. **CITY ATTORNEY REPORTS:** None

12. **CLOSED SESSION:**

(A) **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
(Gov. Code section 54956.9(b))
Number of Potential Cases: 1

By Council consensus, the item was continued to the next meeting without being heard.

13. **ADJOURNMENT:**

There being no further business, the meeting was adjourned at 12:17 a.m. in Memory of Staff Sergeant Sean P. Fisher.

Date Approved: October 10, 2007

/s/Linda A. Troyan
Linda Troyan, Commission Secretary
and for Authority Secretary Keith Till